

AMENDMENT FORM

Suggestion for amendment of Article : III-212

By Ms / Mr : Voggenhuber, Wagener, Lichtenberger, Nagy

Status : - Member - Alternate

Artikel III-212

Article III-212 (ex Article 24)

1. The common commercial policy shall be based on uniform principles, particularly with regard to changes in tariff rates, the conclusion of tariff and trade agreements relating to trade in goods and services and the commercial aspects of intellectual property, **foreign direct investment**, the achievement of uniformity in measures of liberalisation, export policy and measures to protect trade such as those to be taken in the event of dumping or subsidies. The common commercial policy shall be conducted in the context of the principles and objectives of the Union's external action, as set out in Article 1 of this Title.

2. A European law or framework law shall establish the measures required to implement the common commercial policy.

3. Where agreements with one or more States or international organisations need to be negotiated, the relevant provisions of [Article 33] of this Title shall apply. The Commission shall make recommendations to the Council **and the European Parliament, who** shall authorise the Commission to open the necessary negotiations. **The institutions** shall be responsible for ensuring that the agreements negotiated are compatible with internal Union policies and rules.

The Commission shall conduct these negotiations in consultation with a special committee appointed by the Council to assist the Commission in this task and within the framework of such directives as the Council may issue to it. The Commission shall report regularly to the special committee and to the European Parliament on the progress of negotiations.

4. ~~For the negotiation and conclusion of agreements in the fields of trade in services involving the movement of persons and the commercial aspects of intellectual property, the Council shall act unanimously where such agreements include provisions for which unanimity is required for the adoption of internal rules.~~ **The negotiation and agreements on cultural and audio-visual services, educational services, social and human health services, shall require common accord of the Member States in addition to a Union decision. Such agreements shall be concluded jointly by the Community and the Member States.**

5. The exercise of the competences conferred by this Article in the field of commercial policy shall not affect the delimitation of internal competences between the Union and the Member States, and shall not lead to harmonisation of legislative or regulatory provisions of Member States insofar as the Constitution excludes such harmonisation.

Justification if any :

The EU is a global power in international trade. Trade policy now touches heavily upon social, environmental and developmental issues as well as economic ones. It is not a coincidence that anti-globalisation sentiments run high. Effective parliamentary scrutiny of the formulation and negotiation of trade policy therefore becomes ever more necessary in protection of the public interest.